

Customer Number: 24498
Serial Number: 09/603,339
Office Action dated: July 13, 2005
Response dated: October 13, 2005

PATENT
RCA 88,878

Remarks/Arguments

The Final Office Action mailed July 13, 2005 has been received and carefully considered. Claims 1-6, 9-17, 19 and 20 are pending in the application. Applicants thank the Examiner for the courtesy of a telephonic interview conducted on October 12, 2005. During that interview, the now-pending claims were discussed in relation to the subject Office Action and references of record. As directed by the Examiner, the arguments and remarks provided at that time are incorporated herewithin.

Claims 1-3, 5, 6, 9, 10 and 14-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 6,678,008, to Winter (*hereinafter* Winter) in view of U.S. Patent Number 6,012,112, to Brace et al. (*hereinafter* Brase). Claim 4 stands rejected under 35 U.S.C. §103(a) over Winter in view of Brase and in further view of U.S. Patent Number 6,751,401, to Arai et al. (*hereinafter* Arai). Claims 11 and 12 stand rejected under 35 U.S.C. §103(a) over Winter in view of Brase, and in further view of U.S. Patent Number 6,211,800, to Yanigahara et al. (*hereinafter* Yanigahara). Claim 13 stands rejected over Winter in view of Brase and in further view of U.S. Patent Number 6,344,836, to Suzuki (*hereinafter* Suzuki). Applicants respectfully traverse the rejections. Claims 19 and 20 are also indicated as rejected, but are believed to be allowable for the reasons indicated below.

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The present application relates to a system and method for transmitting, decoding and displaying data channel information in a format that permits enhanced graphics functionality. Included, are a method and apparatus for using DVD sub-picture formatted information within an MPEG data stream to provide data channel information to a television receiver.

In light of the foregoing, claim 1 recites:

A method for providing graphics display, comprising the steps of: receiving a bitstream including an MPEG compliant program bitstream and a DVD subpicture compliant bitstream...wherein the DVD subpicture compliant bitstream comprises an interactive graphic having selectable regions that, when selected, causes the display of other DVD subpicture graphics associated with said subpicture compliant bitstream. Emphasis added.

The Winter reference relates to "an apparatus for generating a digital video picture ... [that] comprises a main picture and a secondary picture. The secondary picture serves to provide information about the status of the apparatus or else for operational guidance. The data of the picture are supplied digitally. Data for the subpicture are additionally contained in the bit stream for the main picture."

Abstract

As previously acknowledged by the Examiner, Winter does not teach or suggest the claimed limitations of "receiving a bit stream including an MPEG compliant program bit stream and a DVD subpicture compliant bit stream...wherein the DVD subpicture compliant bit stream comprises an interactive graphic having selectable regions that, when selected, causes the display of other DVD subpicture graphics associated with said subpicture

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compliant bitstream" (emphasis added).

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The pending Office Action proposes to remedy this deficiency by the combination of Winter with Brase under 37 CFR §103(a). Even accepting *arguendo* that this combination is properly made, however, Applicant respectfully asserts that the proposed combination does not teach or suggest every limitation of the subject claim.

Brase relates to "[a] DVD assembly...for a convergent device, such as a television converged into a computer....[c]ommon control interfaces which include the "look and feel" of the control interfaces otherwise used by the convergent device simplify operational control over operation of the DVD assembly." Abstract. The Brase reference, however does not teach or suggest the claim elements for which it is proffered.

Brase describes a "sub-picture processor 118 [that] ... generates processed, sub-picture information which is applied to an OSD (on-screen display) graphics tool 124." Column 5, lines 3-5. There is nothing in Brase, however, to indicate that this "processed sub-picture information" is in any way part of the control interface. In referring to OSD functionality Brase does not teach or suggest the claim 1 features of "a method including extracting and decoding the DVD subpicture compliant bitstream to generate a graphic image signal" for an "interactive graphic... that, when selected, causes the display of other DVD subpicture graphics associated with said subpicture compliant bitstream."

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Nowhere does Brase, identify a data source for the "control interface displays facilitating user control over operation of the convergent device." Column 6, lines 16-18. According to Brase, "[t]he menu 192 shown in figure 3B is displayable upon the video display monitor 176 when the convergent device is operated in television mode," for example. Column 6, lines 46-48. Brase further states that "the menus 192 provide menu buttons which permit, inter alia, switching between the operational modes of the convergent device..." (column 6, lines 57-59) but there is no teaching or suggestion that these menus or menu buttons represent data received as part of a "bitstream including an MPEG compliant program bitstream and a DVD subpicture compliant bitstream". Accordingly, Brase does not teach or suggest "an interactive graphic having selectable regions that, when selected, causes the display of other DVD sub-picture graphics associated with said subpicture compliant bit stream."

Consequently, even if the proposed combination of Winter with Brase is proper, its result fails to teach or suggest every limitation of the claimed invention. Therefore, withdrawal of the pending rejection, and allowance of claim 1 is respectfully requested.

Claims 2-3, 5, 6 and 9 each depend, directly or indirectly, from claim 1 and incorporate every feature thereof. Accordingly, for at least the reasons given above in relation to claim 1, the rejections of claims 2-3, 5, 6 and 9 under 35 U.S.C. §103(a) are overcome and allowance of these claims is also in order.

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Claim 4 also depends from claim 1. The Arai reference cited against claim 4 does not teach or suggest the claim 1 limitations of "an interactive graphic having selectable regions that, when selected, causes the display of other DVD subpicture graphics associated with said subpicture compliant bit stream." Accordingly, for at least the reasons given above with respect to claim 1, the rejections of claim 4 under 35 U.S.C. §103(a) are overcome and claim 4 should be allowed.

Claim 10 recites the features of:

... means for receiving a bitstream comprising a MPEG compliant bitstream and a DVD subpicture compliant bitstream;... wherein the DVD subpicture compliant bitstream comprises an interactive graphic having selectable regions that, when selected, causes the display of other DVD subpicture graphics associated with said subpicture compliant bitstream. (emphasis added).

As discussed above in relation to claim 1, neither the Winter nor the Brase reference teaches or suggests "receiving a bitstream comprising... a MPEG compliant bitstream and a DVD subpicture compliant bitstream... and... generating a graphic image signal in response to the DVD subpicture compliant bitstream." As such, the rejection of claim 10 under 35 USC §103(a) over Winter and Brase should be withdrawn.

Claims 11-17 ultimately depend from, and incorporate the features of, claim 10. Neither the Yanigahara reference, cited against claims 11 and 12, nor the Suzuki reference, cited against claim 13, teach or suggest the claim 10 features

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of "receiving a bitstream comprising... a MPEG compliant bitstream and a DVD subpicture compliant bitstream... and... generating a graphic image signal in response to the DVD subpicture compliant bitstream." Accordingly, for the reasons given above in relation to claim 10, the rejections of claims 11-17 should also be withdrawn, and the same is respectfully requested.

Claims 19 and 20 include the features of claim 1, as well as additional features of the invention. Accordingly, claims 19 and 20 are believed to also be allowable for at least the reasons provided above in relation to claim 1.

Having fully addressed the Examiner's rejections it is believed that this application stands in condition for allowance. Accordingly then, reconsideration and allowance are earnestly solicited.

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If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (609) 734-6440 in Princeton, NJ. The Commissioner is hereby also authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to Deposit Account No. 07-0832 of Thompson Licensing, Inc. under Order No. RCA 88,878.

Dated: October 13, 2005

Respectfully submitted,

By Catherine A. Ferguson
Catherine A. Ferguson

Registration No.: 40,877

Patent Operations

THOMSON Licensing, Inc.

P.O. Box 5312

Princeton, New Jersey 08543-5312

609-734-6440

Attorney for Applicant[s]